

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

FILE 6

APR 17 2004

OFFICE OF  
MANAGING DIRECTOR

Peter D. Shields, Esq.  
Wiley Rein & Fielding LLP  
1776 K Street, N.W.  
Washington, D.C. 20006

Re: Iridium 2 GHz LLC  
Request for Refund of Application Filing Fee  
Fee Control No. 0306098210037001

Dear Mr. Shields:

This letter responds to your request (dated February 25, 2004) submitted on behalf of Iridium 2 GHz LLC (Iridium) for a refund of the fee filed in connection with the application for modification of Iridium's 2 GHz mobile satellite service (MSS) license that Iridium filed on June 6, 2003. Our records reflect that you paid the \$98,645.00 fee associated with that application.

On April 25, 2003, the Commission adopted a freeze on new satellite license applications, other than Direct Broadcast Satellite (DBS) and Digital Audio Radio Satellite (DARS) satellites.<sup>1</sup> The Commission lifted the freeze on August 27, 2003.<sup>2</sup> On June 6, 2003, Iridium filed an application to modify its 2 GHz MSS license to specify a single geostationary orbit satellite, rather than the currently authorized 96 non-geostationary satellite orbit, and to make changes to the system's feeder link spectrum. (*June 6 Application*). Iridium filed a \$98,645.00 filing fee with the application. On July 3, 2003, the International Bureau found Iridium's *June 6 Application* unacceptable for filing and returned the application "without prejudice to refiling a concrete proposal [in accordance with sections 25.114 of the Commission's rules<sup>3</sup>] on or after the date upon which the freeze is no longer in effect."<sup>4</sup> Iridium filed a petition for reconsideration of

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<sup>1</sup> See *Amendment of the Commission's Space Station Licensing Rules and Policies; Mitigation of Orbital Debris, First Report and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 12674 (2003); see also *Commission Adopts Freeze on New Satellite License Applications, Public Notice*, 18 FCC Rcd 7903 (2003).

<sup>2</sup> See *Commission Lifts Freeze on New Satellite License Applications, Public Notice*, DA 03-2737 (Aug. 27, 2003).

<sup>3</sup> See 47 C.F.R. §25.114 (requiring that each application for a new or modified space station authorization constitute a "concrete proposal" for Commission evaluation and that such concrete proposal must include the feeder link frequencies requested for the satellite). *Footnote added*.

<sup>4</sup> See Letter from Thomas S. Tycz, Chief, Satellite Division, International Bureau, FCC, to Peter D. Shields, Esq. (dated July 3, 2003) (*July 3 Letter*).

the *July 3 Letter*, which the International Bureau dismissed.<sup>5</sup> On August 28, 2003, one day after the Commission lifted the freeze on new satellite license applications, Iridium filed a revised version of its *June 6 Application* and filed another application fee of \$98,645.00. You request a refund of the \$98,645.00 fee associated with the *June 6 Application* under sections 1.1113 and 1.1109 of the Commission's rules because "the FCC did not accept or process [the application]" that it returned to Iridium and because retention of both fees would constitute an overcharge and double filing fee.

The International Bureau found Iridium's *June 6 Application* procedurally defective and unacceptable for filing and therefore not subject to substantive review. It returned the application without prejudice to refile a procedurally perfected application. Thereafter, Iridium submitted an additional filing fee when it subsequently filed a revised version of the *June 6 Application*. We therefore find that a refund of the original application filing fee is appropriate. See 47 C.F.R. § 1.1108 and 1.1113(a). We therefore grant your request for a refund of the \$98,645.00 application filing fee associated with the *June 6 Application*.

A check, made payable to the maker of the original check, and drawn in the amount of \$98,645.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark A. Reger  
Chief Financial Officer

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<sup>5</sup> See *Iridium 2 GHz LLC for Modification of Authority for Use of 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, 18 FCC Rcd. 18121 (International Bureau 2003).



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WASHINGTON, DC 20006  
PHONE 202 719 7000  
FAX 202 719.7049

Virginia Office  
7925 JONES BRANCH DRIVE  
SUITE 6200  
McLEAN, VA 22102  
PHONE 703 905.2800  
FAX 703 905 2820

www.wrf.com

0306098210037001

ORIGINAL

Wiley Rein & Fielding LLP

Peter D. Shields  
202.719.3249  
pshields@wrf.com

February 25, 2004

RECEIVED

FEB 25 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554  
Attn: Managing Director

Re: Iridium 2GHz LLC Request for Refund of FCC Filing Fee for June 6, 2003  
Application

Dear Ms. Dortch:

Iridium 2GHz LLC ("Iridium"), pursuant to Section 8(d)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 158(d)(2), and Section 1.1113 of the Commission's rules, hereby requests that the Commission return the \$98,645.00 filing fee submitted with Iridium's June 6, 2003 Application for Modification of its 2 GHz mobile satellite service ("MSS") license ("June 6, 2003 Application").<sup>1</sup> A refund is warranted in this case because the International Bureau did not accept or process Iridium's June 6, 2003 Application. Rather, the International Bureau determined that a filing freeze prevented it from accepting Iridium's June 6, 2003 Application and returned it to Iridium without prejudice for re-filing on or after the date that the freeze was no longer in effect.

## **I. BACKGROUND**

On April 25, 2003, the Commission imposed a freeze on applications for new satellite frequency assignments. The freeze precluded the filing of applications for new satellite licenses or applications seeking new satellite frequency assignments.<sup>2</sup> The freeze lasted from April 25, 2003 until August 27, 2003.<sup>3</sup>

<sup>1</sup> *Iridium 2GHz LLC Application for Modification and Public Interest Demonstration*, File Nos. SAT-MOD-20030609-00103, SAT-WAV-20030609-00104 (filed June 6, 2003) ("*June 6, 2003 Application*").

<sup>2</sup> See Commission Adopts Freeze on New Satellite License Applications, Public Notice, DA 03-1284 (rel. April 25, 2003) ("This freeze is limited to applications for licenses for new satellites. It does not apply to applications for replacement satellites, modifications to existing satellite licenses, or requests for Special

MAR 05 2004

Wiley Rein & Fielding LLP

Ms. Marlene H. Dortch

February 25, 2004

Page 2

On June 6, 2003, Iridium filed an application seeking permission to substitute a single geostationary orbit ("GSO") satellite for the non-geostationary satellite orbit ("NGSO") network that the Commission approved in Iridium's 2 GHz license. This modification in the orbital parameters of Iridium's authorization also required a corollary change in assigned feeder link spectrum.<sup>4</sup> Thus, in its June 6, 2003 Application, Iridium identified the new feeder link frequencies that would be required for a GSO system and stated its intention to file an amendment to the application (or seek modification to any license granted pursuant to the application) that would seek authority for the new feeder link frequencies as soon as the Commission lifted its freeze.<sup>5</sup> Iridium also proposed that, in the event that the International Bureau determined that the June 6, 2003 Application did not constitute a "concrete system proposal" as required under Section 25.114 of the FCC's rules because of the absence of a specific request for new feeder link frequencies, the Commission either should waive the concrete proposal requirement or waive the freeze and grant authority for the needed feeder links.<sup>6</sup> Iridium submitted a filing fee of \$98,645.00 with its June 6, 2003 Application.<sup>7</sup>

On July 3, 2003, the International Bureau's Satellite Division issued a letter to Iridium's counsel notifying the company that the June 6, 2003 Application was "not acceptable for filing as submitted" and returned the application "without prejudice [for] re-filing [with] a concrete proposal on or after the date upon which the freeze

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(Continued . . .)

Temporary Authority (STA), unless those applications or requests seek authority to operate on frequencies not previously authorized for operation by that licensee.").

<sup>3</sup> See *Commission Lifts Freeze on New Satellite License Applications*, DA 03-2737 (Aug. 27, 2003) (Public Notice).

<sup>4</sup> The International Telecommunication Union and the Commission have allocated different feeder link spectrum to GSO and NGSO systems.

<sup>5</sup> *June 6, 2003 Application*, at 20.

<sup>6</sup> *June 6, 2003 Application*, at 21.

<sup>7</sup> See FCC Form 159 and attached check in the amount of \$98, 645.00 (filed with Mellon Bank on June 6, 2003), appended as Attachment 1. This filing fee corresponds to the fee for an initial application for a GSO satellite network.

Ms. Marlene H. Dortch

February 25, 2004

Page 3

is no longer in effect.”<sup>8</sup> Iridium filed a July 17, 2003 Petition for Reconsideration of the Bureau’s July 3, 2003 decision.<sup>9</sup> The Bureau subsequently dismissed that petition on August 29, 2003.<sup>10</sup>

On August 27, 2003, the Commission lifted the freeze on applications for new satellite frequency assignments. The next day, Iridium filed a revised version of its application, which included an explicit request for authorization to operate in the feeder link frequencies mentioned above.<sup>11</sup> After consulting with International Bureau staff, Iridium submitted another filing fee in the amount of \$98,645.00 with its August 27, 2003 application.<sup>12</sup>

**II. THE COMMISSION SHOULD REFUND THE FILING FEE  
SUBMITTED WITH IRIDIUM’S JUNE 6, 2003 APPLICATION**

Pursuant to Section 1.1113 of the Commission’s rules, Iridium respectfully requests that the Commission return the filing fee of \$98,645.00 submitted with its June 6, 2003 Application. Section 1.1113 provides for the return of an applicant’s filing fee

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<sup>8</sup> See Letter from Thomas S. Tycz, Chief, International Bureau Satellite Division, FCC, to Peter D. Shields, Counsel for Iridium 2GHz LLC, at 2 (July 3, 2003) (“*Tycz Letter*”).

<sup>9</sup> Petition for Reconsideration of Iridium 2GHz LLC, File Nos. SAT-MOD-20030609-00103, SAT-WAV-20030609-00104 (July 17, 2003) (“*Petition for Reconsideration*”).

<sup>10</sup> *Iridium 2GHz LLC for Modification of Authority for Use of 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System*, Order, DA 03-2764 (Aug. 29, 2003).

<sup>11</sup> Iridium 2GHz LLC Application for Modification and Public Interest Demonstration, File No. SAT-MOD-20030828-00286 (filed Aug. 28, 2003) (“*Revised Application*”).

<sup>12</sup> See FCC Form 159 and attached check in the amount of \$98,645.00 (filed with Mellon Bank on September 5, 2003), appended as Attachment 2.

Ms. Marlene H. Dortch  
February 25, 2004  
Page 4

where the Managing Director deems appropriate.<sup>13</sup> Return of Iridium's filing fee is appropriate in this case because the FCC did not accept or process Iridium's June 6, 2003 application. As noted above, the Commission returned Iridium's application as unacceptable for filing because it was submitted outside the filing window the Commission created with its satellite filing-freeze. In effect, it was as if the application was never filed, thereby making the submission of an accompanying filing fee unnecessary.

Return of Iridium's filing fee would also conform to the FCC's policy of granting fee refunds for applications prior to the conclusion of the fee review process. The Commission has established that fee refunds will not be granted once an application clears the fee review process.<sup>14</sup> According to the Commission, the "conclusion of the fee review process coincides with the date that the application is placed on public notice."<sup>15</sup> The International Bureau never placed Iridium's application on public notice, and therefore it could not have cleared the fee review process. Furthermore, Iridium's June 6, 2003 Application will not clear the fee review process in the future because the International Bureau returned it.

Section 1.1109 of the FCC's rules also supports return of Iridium's filing fee for its June 6, 2003 Application. That rule states that, where the Commission returns an application for additional information or corrections and an additional fee is required, "the original fee will be returned and the application must be resubmitted with a new remittance in the amount of the required fee to the Commission's

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<sup>13</sup> Sections 0.231(a) and 1.1113 of the Commission's rules provides for the return of an applicant's fee where the Managing Director deems appropriate. 47 C.F.R. §§ 0.231(a), 1.1113(a)(5) (2002).

<sup>14</sup> See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, Report and Order, 2 FCC Rcd 947, 948-949 (1987) ("1987 Fee Order"), recon. denied, 3 FCC Rcd 5987 (1988).

<sup>15</sup> See *Amendment of the Commission's Space Station Licensing Rules and Policies; Mitigation of Orbital Debris*, First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, and First Report and Order in IB Docket No. 02-54, 18 FCC Rcd 10760, ¶ 116 (May 19, 2003).

Ms. Marlene H. Dortch

February 25, 2004

Page 5

lockbox bank.”<sup>16</sup> As noted above, the International Bureau returned Iridium’s Application with instructions for Iridium to re-file it with the proper request for feeder link authorization once the freeze had lifted. In addition, International Bureau staff later advised Iridium that it would have to file another \$98,645.00 filing fee with the replacement application, as Iridium’s original application fee could not be used as a credit for the replacement application. Under these circumstances, and in accordance with Section 1.1109(d), Iridium is entitled to a refund of its initial \$98,645.00.<sup>17</sup>

At a minimum, a waiver and refund of the filing fee submitted with Iridium’s original modification application is warranted. Pursuant to Section 1.1117(a) of the Commission’s rules, the Commission may waive filing fees “where good cause is shown and where waiver . . . of the fee[s] would promote the public interest.”<sup>18</sup> Moreover, Section 1.1113(a)(5) of the rules provides that any fee so waived should be returned or refunded to the applicant.<sup>19</sup>

In this case, there is good cause to waive the filing fee associated with Iridium’s June 6, 2003 Application because the Commission’s retention of the fee would be inconsistent with the underlying purpose of the fee requirement. The primary purpose of a filing fee “is to permit the Commission to assess and collect charges for certain of the regulatory services it provides to the public.”<sup>20</sup> When the Commission is not required to undertake the process that warrants a fee, a refund of the previously paid fee generally is appropriate. In Iridium’s case, the Commission’s processing of its original application involved only a preliminary examination that determined the application was unacceptable for filing. Coupled

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<sup>16</sup> 47 C.F.R. §1.1109 (d) (2002).

<sup>17</sup> See Letter from M. Reger, FCC, to L. Froboese, Pioneer Natural Resources USA, Inc. Granting Fee Refund to Pioneer Natural Resources USA, Inc., Fee Control # 9711208310054001 (Aug. 5, 1998) (granting refund of original filing fees under Section 1.1109 to applicant who submitted replacement applications with “duplicate fees” after original applications were returned for re-filing), appended as Attachment 3.

<sup>18</sup> 47 C.F.R. § 1.1117(a) (2002).

<sup>19</sup> 47 C.F.R. § 1.1113(a)(5) (2002).

<sup>20</sup> 1987 Fee Order, 2 FCC Rcd at 948.

Ms. Marlene H. Dortch  
February 25, 2004  
Page 6

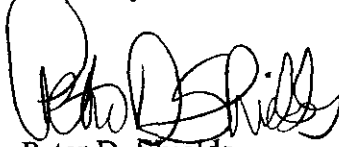
with the fact that Iridium's application was returned for re-filing before clearing the fee review process, the Commission's preliminary examination of the application therefore does not merit the collection of an offsetting fee. Indeed, the Commission previously has found that such preliminary examinations do not constitute services requiring a fee and granted a waiver and fee refund in a similarly unique situation.<sup>21</sup>

By waiving and refunding Iridium's original fee, the Commission also would promote the public interest. As noted above, Iridium submitted a second filing fee with its August 28, 2003 application at the direction of Bureau staff. The Commission's retention of both fees essentially would constitute a double filing fee. Such an overcharge would be fundamentally unfair and inconsistent with the primary purpose of the filing fee requirement. Moreover, this unfairness and inconsistency clearly would undermine the equitable administration of the Commission's rules that are necessary to protect and serve the public interest.

### III. CONCLUSION

For the foregoing reasons, Iridium respectfully requests a refund of its \$98,645.00 filing fee for its June 6, 2003 Application.

Sincerely,



Peter D. Shields

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<sup>21</sup> See *WKGN, Inc. Radio Station WKGN, Knoxville, Tenn.*, 34 Rad. Reg. 2d (P&F) 1584 (1975) (granting a waiver and refund of a filing fee associated with an application for a broadcast construction permit because applicant made a reasonable effort to determine if the application was appropriate and the "Commission processing of [the] application involved only a preliminary examination which determined that it was unacceptable. . .").



## **ATTACHMENT 1**

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

REMITTANCE ADVICE  
FEB 06 2003

Approved by OMB

3060-0589

Page No. 1 of 1

(1) LOCKBOX # 358210

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)  
Iridium 2GHz LLC

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)  
\$98,645.00

(4) STREET ADDRESS LINE NO. 1  
1600 Wilson Boulevard

(5) STREET ADDRESS LINE NO. 2  
Suite 1000

(6) CITY

Arlington

(9) DAYTIME TELEPHONE NUMBER (include area code)  
703-465-1000

(10) COUNTRY CODE (if not in U.S.A.)

(7) STATE  
VA

(8) ZIP CODE  
22209

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0008-7471-31

(12) PAYER (TIN)

0161659630

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

(14) STREET ADDRESS LINE NO. 1

(15) STREET ADDRESS LINE NO. 2

(16) CITY

(19) DAYTIME TELEPHONE NUMBER (include area code)

(20) COUNTRY CODE (if not in U.S.A.)

(17) STATE

(18) ZIP CODE

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

(22) APPLICANT (TIN)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID  
S2325

(24A) PAYMENT TYPE CODE  
BNY

(25A) QUANTITY  
1

(26A) FEE DUE FOR (PTC)

\$98,645.00

(27A) TOTAL FEE

\$98,645.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

IB 2003001092

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, \_\_\_\_\_, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

☐

MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER.

EXPIRATION  
DATE

☐

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



Wiley Rein & Fielding LLP

1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202.719.7000  
FAX 202.719.7049

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7925 JONES BRANCH DRIVE  
SUITE 6200  
MCLEAN, VA 22102  
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FAX 703.905.2820

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June 6, 2003

Peter D. Shields  
202.719.3249  
pshields@wrf.com

Marlene H. Dortch, Secretary  
Federal Communications Commission  
International Bureau - Satellites  
P.O. Box 358210  
Pittsburgh, PA 15251-5210

Re: Iridium 2GHz LLC, For Modification of Authority For Use of the 1990-  
2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-  
Satellite System, File Nos. SAT-LOA-19970926-00147, SAT-AMD-  
20001103-00156

Dear Ms. Dortch.

Iridium 2GHz LLC today filed electronically using the International Bureau Filing System ("IBFS") an application to modify the above-referenced authorization to launch and operate a Mobile-Satellite Service ("MSS") network in the 2 GHz MSS band (the "2 GHz License"). Specifically, Iridium seeks to substitute a single geostationary orbit ("GSO") satellite for the 96 non-geostationary satellite orbit ("NGSO") network that the Federal Communications Commission ("FCC" or "Commission") approved in the 2 GHz License.

The Commission staff informally has advised Iridium that the appropriate payment code for this application is "BNY" and that the appropriate filing fee is \$98,645.00. This filing fee corresponds to the fee for an initial application for a GSO satellite network. Without waiving its right to request a partial refund at a later date, Iridium is submitting by hand to Mellon Bank in Pittsburgh, PA a \$98,645.00 filing fee, along with a FCC Form 159 containing the "BNY" code.

As the Commission staff is aware, the IBFS electronic Form 312 for modification applications requires an applicant to select from a limited number of payment type codes. The "BNY" code is not included as an option. As a result, Iridium submitted its electronic FCC Form 312 using the "CGW" code that corresponds to a modification of a NGSO satellite authorization. However, as noted in the prior paragraph, Iridium is filing the FCC Form 159 with the recommended "BNY" code and filing fee of \$98,645.00.

Wiley Rein & Fielding LLP

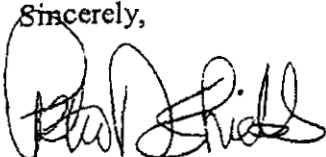
Marlene H. Dortch

June 6, 2003

Page 2

Thank you for your attention to this matter. If you have any questions about this filing, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter D. Shields". The signature is stylized with a large, looped "P" and "S".

Peter D. Shields

Enclosures

IRIDIUM  
IRIDIUM SATELLITE LLC  
8440 S. RIVER PARKWAY  
TEMPE, AZ 85284

No. 18887

TE: 28-MAY-03 CUST. ACCT. NO.

VENDOR NAME Federal Communication VENDOR NO. 941

INVOICE NO	INVOICE DATE	DESCRIPTION	DISCOUNT AMOUNT	NET AMOUNT
052303	23-MAY-03	Filing Fee	0.00	98,645.00
			0.00	98,645.00

PLEASE DETACH AND RETAIN THIS STATEMENT AS YOUR RECORD OF PAYMENT.

Thank You

0.00

98,645.00

THIS CHECK CONTAINS SAFETY FEATURES FRONT AND BACK. DO NOT CASH UNLESS YOU CAN SEE THE WORD "SAFE" WHEN HOLDING AT AN ANGLE.

IRIDIUM  
IRIDIUM SATELLITE LLC  
8440 S. RIVER PARKWAY  
TEMPE, AZ 85284

RIGGS BANK N.A.  
LINCOLN BRANCH  
WASHINGTON, DC 20006

No. 18887

15-3  
540

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
28-MAY-03	18887	*****98,645.00

AY Ninety-Eight Thousand Six Hundred Forty-Five Dollars And 00 Cents\*

O  
HE  
RDER  
F

Federal Communication Commission  
445 12th St., SW  
Washington, DC 20554

*[Signature]*

## **ATTACHMENT 2**

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

Approved by OMB  
3060-0389  
Page 1 of 1

(1) LOCK BOX # 358210		FCC/MELLON SEP 05 2003	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Iridium Satellite LLC		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$98,645.00	
(4) STREET ADDRESS LINE NO. 1 1600 Wilson Blvd.			
(5) STREET ADDRESS LINE NO. 2 Suite 1000			
(6) CITY Arlington,	(7) STATE VA	(8) ZIP CODE 22209	
(9) DAYTIME TELEPHONE NUMBER (include area code) 703-465-1000		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0004-9727-90			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 189-C) COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Iridium 2GHz LLC			
(14) STREET ADDRESS LINE NO. 1 1600 Wilson Blvd.			
(15) STREET ADDRESS LINE NO. 2 Suite 1000			
(16) CITY Arlington,	(17) STATE VA	(18) ZIP CODE 22209	
(19) DAYTIME TELEPHONE NUMBER (include area code) 703-465-1000		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0008-7471-31			
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID S2325	(24A) PAYMENT TYPE CODE BNY	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$98,645.00	(27A) TOTAL FEE \$98,645.00		
(28A) FCC CODE 1	(29A) FCC CODE 2 1B2003001714		
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE		
(28B) FCC CODE 1	(29B) FCC CODE 2		
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Melissa A. Reed</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE <u>Melissa A. Reed</u> DATE <u>9-5-03</u>			
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____			
ACCOUNT NUMBER _____ EXPIRATION DATE _____			
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.			
SIGNATURE _____ DATE _____			

SEE PUBLIC BURDEN ON REVERSE

FCC FORM 159

FEBRUARY 2003 (REVISED)



Wiley Rein & Fielding LLP

1776 K STREET NW  
WASHINGTON, DC 20006  
PHONE 202 719 7000  
AX 202.719.7049

Virginia Office  
1925 JONES BRANCH DRIVE  
SUITE 6200  
MCLEAN, VA 22102  
PHONE 703.905.2800  
FAX 703.905.2820

www.wrf.com

September 5, 2003

Jennifer D. Hindin  
202.719.4975  
jhindin@wrf.com

Marlene H. Dortch, Secretary  
Federal Communications Commission  
International Bureau - Satellites  
P.O. Box 358210  
Pittsburgh, PA 15251-5210

Re. Iridium 2GHz LLC, For Modification of Authority For Use of the 1990-2025/2165-2200 MHz and Associated Frequency Bands for a Mobile-Satellite System, File Nos. SAT-LOA-19970926-00147, SAT-AMD-20001103-00156

Dear Ms. Dortch:

Iridium 2GHz LLC today filed electronically using the International Bureau Filing System ("IBFS") an application to modify the above-referenced authorization to launch and operate a Mobile-Satellite Service ("MSS") network in the 2 GHz MSS band (the "2 GHz License"). Specifically, Iridium seeks to substitute a single geostationary orbit ("GSO") satellite for the 96 non-geostationary satellite orbit ("NGSO") network that the Federal Communications Commission ("FCC" or "Commission") approved in the 2 GHz License.

The Commission staff informally has advised Iridium that the appropriate payment code for this application is "BNY" and that the appropriate filing fee is \$98,645.00. This filing fee corresponds to the fee for an initial application for a GSO satellite network. Without waiving its right to request a partial refund at a later date, Iridium is submitting by hand to Mellon Bank in Pittsburgh, PA a \$98,645.00 filing fee, along with a FCC Form 159 containing the "BNY" code.

As the Commission staff is aware, the IBFS electronic Form 312 for modification applications requires an applicant to select from a limited number of payment type codes. The "BNY" code is not included as an option. As a result, Iridium submitted its electronic FCC Form 312 using the "CGW" code that corresponds to a modification of a NGSO satellite authorization. However, as noted in the prior paragraph, Iridium is filing the FCC Form 159 with the recommended "BNY" code and filing fee of \$98,645.00.



Wiley Rein & Fielding LLP

Marlene H. Dortch  
September 5, 2003  
Page 2

Thank you for your attention to this matter. If you have any questions about this filing, please do not hesitate to contact me.

Sincerely,

/s/ Jennifer D. Hindin

Jennifer D. Hindin

Enclosures

## **ATTACHMENT 3**

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

August 5, 1998

RECEIVED

OCT - 8 1998

OFFICE OF  
MANAGING DIRECTOR

Ms. Lettye Froboese, Licensing Specialist  
Licensing Services  
109 Wallingsford Circle  
Youngsville, Louisiana 70592

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Pioneer Natural Resources USA, Inc.  
Fee Control # 9711208310054001

Dear Ms. Froboese:

This will respond to your request for refund of the filing fees paid on behalf of Pioneer Natural Resources USA, Inc. ("Pioneer"), in connection with the applications for assignment and related call sign changes of various licenses in the Private Land Mobile Radio Services.

You state, and our records reflect, that Pioneer filed a package of applications together with corresponding filing fees, and that the applications were for failure to use the correct forms and/or lockboxes. Pioneer resubmitted its package of applications, using the correct forms and correct lockboxes, again accompanied by corresponding fees. You thus request a refund of the initial filing fees that Pioneer paid, contending that, in essence, it had paid "duplicate fees."

Section 1.1109(d) of the Commission's rules, 47 C.F.R. § 1.1109(d), provides that if an application has been returned to an applicant for additional or corrected information, and "an additional fee is required, the original fee will be returned and the application must be resubmitted with the new remittance in the amount of the required fee to the Commission's lockbox bank." Our records reflect that Pioneer's initial submissions were incorrect, that the submissions were returned, and that Pioneer resubmitted its package with additional corresponding fees. Under the circumstances, and in accordance with section 1.1109(d), Pioneer is entitled to a refund of its initial \$1,485.00 payment.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$1,485.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger  
Chief Financial Officer

## Tom Putnam

---

**From:** Tom Putnam  
**Sent:** Monday, March 15, 2004 3:40 PM  
**To:** Joanne Wall  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Yes it cleared . Fee Control Number is 0309088210058001

Tom Putnam  
418-2992

\*\*\* Non-Public: For Internal Use Only \*\*\*

-----Original Message-----

**From:** Joanne Wall  
**Sent:** Monday, March 15, 2004 3:39 PM  
**To:** Tom Putnam  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Yes! How did you know that? (The first check number was 18887.)

-----Original Message-----

**From:** Tom Putnam  
**Sent:** Monday, March 15, 2004 3:38 PM  
**To:** Joanne Wall  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Is that the check # 19606

Tom Putnam  
418-2992

\*\*\* Non-Public: For Internal Use Only \*\*\*

-----Original Message-----

**From:** Joanne Wall  
**Sent:** Monday, March 15, 2004 3:35 PM  
**To:** Tom Putnam  
**Subject:** RE: Iridium, Fee No. 0306098210037001

What I need to know is if their check cleared our FCC Bank. Iridium submitted a copy of the second check. Would you please see if their check cleared Mellon?

-----Original Message-----

**From:** Tom Putnam  
**Sent:** Monday, March 15, 2004 3:23 PM  
**To:** Joanne Wall  
**Subject:** RE: Iridium, Fee No. 0306098210037001

If they paid twice . Isn't that your quest ?

Tom Putnam  
418-2992

\*\*\* Non-Public: For Internal Use Only \*\*\*

-----Original Message-----

**From:** Joanne Wall  
**Sent:** Monday, March 15, 2004 3:22 PM  
**To:** Tom Putnam  
**Subject:** RE: Iridium, Fee No. 0306098210037001

And ask them what?

-----Original Message-----

**From:** Tom Putnam  
**Sent:** Monday, March 15, 2004 3:21 PM  
**To:** Joanne Wall  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Did you contact them ?

Tom Putnam  
418-2992  
\*\*\* Non-Public: For Internal Use Only \*\*\*

-----Original Message-----

**From:** Joanne Wall  
**Sent:** Monday, March 15, 2004 3:20 PM  
**To:** Tom Putnam  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Well, yes, to the extent that the assertion is made by Wiley Rein & Fielding and I've no reason to believe they'd lie about something like this.

-----Original Message-----

**From:** Tom Putnam  
**Sent:** Monday, March 15, 2004 3:18 PM  
**To:** Joanne Wall  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Do you have reason to believe they paid 2 x?

Tom Putnam  
418-2992  
\*\*\* Non-Public: For Internal Use Only \*\*\*

-----Original Message-----

**From:** Joanne Wall  
**Sent:** Monday, March 15, 2004 3:18 PM  
**To:** Tom Putnam  
**Subject:** RE: Iridium, Fee No. 0306098210037001

Really? No evidence of a check dated 9/3/2003? They've given me a copy of the check, but only the front of it

-----Original Message-----

**From:** Tom Putnam  
**Sent:** Monday, March 15, 2004 3:16 PM  
**To:** Joanne Wall  
**Subject:** RE: Iridium, Fee No. 0306098210037001

no

Tom Putnam  
418-2992  
\*\*\* Non-Public: For Internal Use Only \*\*\*

-----Original Message-----

**From:** Joanne Wall  
**Sent:** Monday, March 15, 2004 3:00 PM  
**To:** Tom Putnam  
**Subject:** Iridium, Fee No. 0306098210037001

Tom,

Iridium states that it paid a \$98,645.00 filing fee for an application for modification of its 2 GHZ mobile satellite service license (filed on June 6, 2003). Iridium also says that after that application was dismissed without prejudice, Iridium, on August 28, 2003, refiled the application

(with revisions) and submitted another \$98,645.00 filing fee. Is it true that Iridium<sup>®</sup> paid a second time? You've provided documentation to support the **FIRST** payment - do you have evidence of the **SECOND** payment? Thanks!

Joanne

-----Original Message-----

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418-2992

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Joanne





## RAMIS ACCOUNT RECEIVABLES

### Check Number Query Report

FEE Control Number : 0309088210058001			
Customer FRN	: 0004972790	FRN Name	: Iridium Satellite LLC
Check Number	: 196060000000		
Receipt Amount	: \$98,645.00	Date Received	: 09/05/2003
FEE Control Number : 0311128165189003			
Customer FRN	: 0004972782	FRN Name	: Shaw Pittman LLP
Check Number	: 196068000000		
Receipt Amount	: \$145.00	Date Received	: 11/10/2003

*Sept  
2003*

AR012-A  
3/15/2004  
15.43.59

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.  
RECEIPTS DETAIL REPORT  
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1  
3/15/2004  
15:43:59

CD No	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560798	9/08/03	0309088210058001	0004972790	Iridium Satellite LLC	9/05/03	\$98,645.00

Seq. 1 Call Sign: S2325 FCC Code 1. FCC Code 2. 1B2003001714 Tin Number:  
PTC. BNY QTY: 1 Applied Amt: 98645.00  
Applicant Name: IRIDIUM 2GHZ LLC  
Address: 1600 WILSON BLVD

Total Applied. \$98,645.00 Total Receipt: \$98,645.00

CD No.	CD DATE	FEE CONTROL NO.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560734	6/09/03	0306098210037001	0008747131	Iridium 2GHz LLC	6/06/03	\$98,645.00
PTC: BNY      Seq: 1 Call      Sign: S2325      FCC Code 1: S2325      FCC Code 2: IB2003001092      Tin Number: 0161659630						
Applicant Name: IRIDIUM 2GHz LLC						
Address: 1600 WILSON BOULEVARD						
QTY: 1      1 Applied Amt: 98645.00						

Total Applied: \$98,645.00      Total Receipt: \$98,645.00